

REMARKS

Claims 1-21 were examined and reported in the Office Action. Claims 1, 4, 7 and 10-19 are rejected. Claims 5, 6, 20 and 21 are allowed. Claims 2, 8, 12 and 16 are canceled. Claims 1, 3, 5, 7, 10 and 13 are amended. New claim 22 is added. Claims 1, 3-7, 9-11, 13-15 and 17-22 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 103

A. It is asserted in the Office Action that Claims 1, 4, 7, 10-14 and 16-19 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent No. 5,928,335 issued to Morita ("Morita"), in view of U.S. Patent Application No. 6,005,613 issued to Endsley et al ("Endsley"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142 "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." "*All words in a claim must be considered in judging the patentability of that claim against the prior art.*" (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant has amended claim 1 to contain the limitations of claim 2, which was indicated in the Office Action to be allowable including the limitations of the original claim 1. Therefore, Applicant respectfully asserts amended claim 1 is now allowable. Applicant has amended claim 7 to contain the limitations of claim 8, which was indicated in the Office Action to be allowable including the limitations of the original claim 7. Therefore, Applicant respectfully asserts amended claim 7 is now allowable.

Applicant's amended claim 10 contains the limitations of "[a]n imaging device comprising: image sensor for generating sensor data; a first memory for storing an image object having first image data being related to the sensor data and first image method for being executed by an abstract machine to obtain translated first image data based upon the first image data, a processor; second memory having instructions that when executed by the processor cause processing the sensor data into the first image data, and an interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging device, the processing system being configured with said abstract machine."

Morita discloses a client/server system where an object within a client at a remote or local location makes a request to and receives a response from an image processing object within one of many servers by using an object-oriented middleware contained in the client and the servers. Morita, however, does not teach, disclose or suggest an "image sensor for generating sensor data; a first memory for storing an image object having first image data being related to the sensor data and first image method for being executed by an abstract machine to obtain translated first image data based upon the first image data, a processor; second memory having instructions that when executed by the processor cause processing the sensor data into the first image data, and an interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging device, the processing system being configured with said abstract machine."

Endsley discloses a digital camera that can interface with a computer. Endsley, however, does not teach, disclose or suggest an "image sensor for generating sensor data; a first memory for storing an image object having first image data being related to

the sensor data and first image method for being executed by an abstract machine to obtain translated first image data based upon the first image data, a processor; second memory having instructions that when executed by the processor cause processing the sensor data into the first image data, and an interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging device, the processing system being configured with said abstract machine."

Neither Morita, Endsley, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's claim 10, as listed above. Since neither Morita, Endsley, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 10, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's claim 10 is not obvious over Morita in view of Endsley since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend on claim 10, namely claims 11, 13 - 4 and 17-19, are also not obvious over Morita in view of Endsley for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for Claims 1, 4, 7, 10-14 and 16-19 are respectfully requested.

B. It is asserted in the Office Action that Claim 15 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Morita, and further in view of U.S. Patent Application No. 6,215,495 issued to Grantham et al ("Grantham"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's claim 15 indirectly depends on amended claim 10. Applicant has addressed Morita above in section I(A) regarding amended claim 10.

Grantham discloses a platform independent program interface for managing interactive three-dimensional scenes. Grantham, however, does not teach, disclose or suggest an "image sensor for generating sensor data; a first memory for storing an image object having first image data being related to the sensor data and first image method for being executed by an abstract machine to obtain translated first image data

based upon the first image data, a processor; second memory having instructions that when executed by the processor cause processing the sensor data into the first image data, and an interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging device, the processing system being configured with said abstract machine.”

Neither Morita, Grantham, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's claim 10, as listed above. Since neither Morita, Grantham, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claim 10, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's claim 10 is not obvious over Morita in view of Grantham since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends on claim 10, namely claim 15, is also not obvious over Morita in view of Endsley for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for Claim 15 is respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 5, 6, 20 and 21 are allowed. Applicant also notes with appreciation the Examiner's assertion that claims 2, 3, 8 and 9 would be allowable if rewritten in independent form. Applicant has amended claims 1 and 7, and added new claim 22 to place the claims in allowable form.

Applicant respectfully asserts that claims 1, 3-7, 9-11, 13-15 and 17-22, as it now stands, are allowable for the reasons given above.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 3-7, 9-11, 13-15 and 17-22 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

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By: _____

Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on February 17, 2005.

Jean Svoboda